

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEONARD C. JEFFERSON;
PLAINTIFF,

FILED

v.

06 DEC -7 AM:105A. NO. 04-44 ERIE

WILLIAM WOLFE, ET AL.,
DEFENDANTS.

CLERK
U.S. DISTRICT COURT

PLAINTIFF'S RESPONSE TO DEFENDANT MCKISSOCK'S
OBJECTIONS TO PLAINTIFF'S REQUEST FOR ADMISSIONS

AND NOW COMES PLAINTIFF LEONARD C. JEFFERSON AND STATES
THE FOLLOWING IN SUPPORT OF HIS REQUEST THAT THIS COURT OVERRULE
DEFENDANT MCKISSOCK'S OBJECTIONS:

1. ON 10/29/06 PLAINTIFF SERVED A REQUEST FOR ADMISSIONS ON
DEFENDANT MCKISSOCK. (HEREINAFTER REQUEST).
2. A COPY OF SAID REQUEST IS ATTACHED HEREIN AS ATTACH-
MENT "A".
3. DEFENDANT MCKISSOCK SERVED HER RESPONSE UPON PLAINTIFF
ON 11/30/06. (HEREINAFTER RESPONSE).
4. THE RESPONSE STATES: "THIS REQUEST IS OBJECTED TO AS
SEEKING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL BECAUSE IT
DIRECTLY IMPACTS CLASSIFICATION ISSUES. PROVIDING THIS INFORMATION
COULD AFFECT PLAINTIFF'S PROGRAMMING AND INMATE STATUS, AND THE IN-
FORMATION COULD BE USED AND MANIPULATED BY PLAINTIFF." AS DEFENDANT'S
ANSWER TO #1 A, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 19, 20, 21 & 22 OF THE REQUEST.

5. DEFENDANT'S OBJECTIONS ARE DISINGENUOUS, AND SHOULD BE OVERRULED; FOR THE FOLLOWING REASONS:

(i) THE INFORMATION SOUGHT HAS BEEN DISCUSSED WITH PLAINTIFF AT EACH YEARLY CLASSIFICATION REVIEW AND THEREFORE IT CANNOT SINCERELY BE CONSIDERED TO BE PRIVILEGED AND/OR CONFIDENTIAL,

(ii) PLAINTIFF'S COUNSELORS HAVE INFORMED HIM OF HOW EACH OF THE TEN FACTORS, LITED IN ¶ 4 OF THE REQUEST, AFFECT HIS CUSTODY LEVEL;

(iii) THE PACT SCORING SYSTEM IS, LIKE A WINDOW-STICKER ON A CAR THAT IDENTIFIES THE EXISTING ACCESSORIES AND THEIR COSTS, A REPORT CARD, THAT RATES THE PERFORMANCE OF THE INMATE DURING THE PAST YEAR;

(iv) NONE OF THE FACTORS, MENTIONED IN ¶ 4 OF THE REQUEST, ARE SUBJECT TO MANIPULATION SINCE THEY ALL RELATE TO PREVIOUS BEHAVIOR;

(v) IT IS STANDARD PROCEDURE FOR THE COUNSELOR TO TELL EACH INMATE EXACTLY WHAT HE/SHE MUST DO IN THE COMING YEAR IN ORDER TO OBTAIN OR MAINTAIN A REDUCED CUSTODY LEVEL, AND

(vi) DEFENDANTS CANNOT PROVIDE A LOGICAL OR RATIONAL EXPLANATION OF HOW PLAINTIFF, OR ANY OTHER INMATE, COULD MANIPULATE THE INFORMATION SOUGHT IN ANY WAY OTHER THAN BY FOLLOW-

ING THE INSTRUCTIONS OF THE COUNSELOR AS MENTIONED IN
(V) ABOVE.

6. BECAUSE THERE ARE MULTIPLE FACTORS WHICH LED TO THE INCREASE OF HIS CUSTODY LEVEL; THE DETAILED EXPLANATION OF THE PACT SYSTEM SOUGHT BY THE REQUEST, WHICH DEFENDANT HAS OBJECTED TO, IS ESSENTIAL TO PLAINTIFF'S ABILITY TO DEMONSTRATE TO THE COURT PRECISELY HOW, AND TO THE EXACT EXTENT, HIS REFUSAL TO PARTICIPATE IN PROGRAMS AFFECTED HIS CUSTODY LEVEL.

7. THE PACT SCORE IS TALLIED ON A SELF-EXPLANATORY ONE-PAGE DOC FORM.

8. DEFENDANT SHOULD BE ORDERED TO SUBMIT THE PACT SCORE FORMS, FROM PLAINTIFF'S 07/02 AND 07/03 YEARLY CLASSIFICATION REVIEWS, TO THE COURT FOR THE COURT TO REVIEW PRIOR TO MAKING ITS DECISION ON WHETHER DEFENDANT MCKISSOCK'S OBJECTIONS SHOULD BE SUSTAINED OR OVERRULED.

WHEREFORE, IN LIGHT OF THE FOREGOING, PLAINTIFF RESPECTFULLY URGES THIS COURT TO OVERRULE THE OBJECTIONS AND TO ORDER DEFENDANT MCKISSOCK TO ADMIT OR DENY THE TRUTH OF THE STATEMENTS IN ¶¶ 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 19, 20, 21 & 22 OF PLAINTIFF'S 10/29/06 REQUEST FOR ADMISSIONS.

RESPECTFULLY SUBMITTED

Leonard C. Jefferson

DATED: 12/05/06

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT A TRUE COPY OF THE FOREGOING PLAINTIFF'S RESPONSE TO DEFENDANT MCKISSOCK'S OBJECTIONS TO PLAINTIFF'S REQUEST FOR ADMISSIONS WAS PLACED ON THE DOOR OF HIS CELL, PURSUANT TO DOC POLICY, FOR THE UNIT OFFICER TO PLACE IN THE MAILBOX ON THE 5TH DAY OF DECEMBER, 2006 FOR DELIVERY VIA FIRST CLASS U.S. MAIL TO:

MARY L. FRIEDLINE
SENIOR DEPUTY ATTORNEY GENERAL
OFFICE OF ATTORNEY GENERAL
6TH FLOOR, MANOR PLAZA
564 FORBES AVENUE
PITTSBURGH, PA 15219

Leonard C. Jefferson

LEONARD C. JEFFERSON, CL-4135
10745 RT. 18
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DECEMBER 5, 2006

CLERK'S OFFICE
U.S. DISTRICT COURT
P.O. BOX 1820
ERIE, PA 16507

RE: JEFFERSON V. WOLFE, ET. AL., C.A. NO. 04-44 ERIC

DEAR CLERK

WOULD YOU PLEASE FILE THE ENCLOSED - PLAINTIFF'S RESPONSE TO
DEFENDANT MCKISSOCK'S OBJECTIONS TO PLAINTIFF'S REQUEST
FOR ADMISSIONS + IN THE ABOVE CAPTIONED CASE AND FORWARD
THE COPY OF THE LETTER TO MARY FRIEDLINE TO JUDGE BAXTER.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

RESPECTFULLY

Leonard C. Jefferson